

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SARM ENTERPRISES, INC.,

Plaintiff,

v.

**NORTHLAND INSURANCE COMPANY
and RUSSELL POWLEDGE**

Defendants.

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CIVIL ACTION NO. 4:15-CV-3747

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Northfield Insurance Company (incorrectly sued herein as Northland Insurance Company), a defendant in the above entitled and numbered cause, and files this its notice of removal, and in support thereof would respectfully show unto this Honorable Court as follows:

**I.
STATE COURT ACTION**

This case was initially filed in the 55th Judicial District Court of Harris County, Texas. The state court action is styled: Cause No. 2015-67748; Sarm Enterprises, Inc. v. Northland Insurance Company and Russell Powledge, in the 55th Judicial District Court of Harris County, Texas.

**II.
PARTIES**

The plaintiff, Sarm Enterprises, Inc., is, upon information and belief, a Texas corporation with its principal place of business in the State of Texas.

The defendant, Northfield Insurance Company, is an Iowa corporation with its principal place of business in the State of Connecticut.

The defendant, Russell Powledge, is a resident and citizen of the State of Michigan, Mr. Powledge was a resident and citizen of the State of Michigan on November 12, 2015 when this lawsuit was filed, and Mr. Powledge has been a resident and citizen of the State of Michigan at all times between November 12, 2015 and the filing of this notice of removal.

III. JURISDICTION

This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C. § 1332, because this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states. Specifically, although the plaintiff has alleged that Mr. Powledge is a resident of the State of Texas, he is, in fact, a resident and citizen of the State of Michigan, was a resident and citizen of the State of Michigan on November 12, 2015 when this lawsuit was filed, and has been a resident and citizen of the State of Michigan at all times between November 12, 2015 and the filing of this notice of removal. Thus, complete diversity of citizenship exists between the parties and, accordingly, this cause is removable pursuant to 28 U.S.C. § 1441 and § 1446.

IV. TIMELINESS

Northfield Insurance Company (incorrectly sued herein as Northland Insurance Company) was served with process and the plaintiff's original petition on December 7, 2015. Thirty days have not elapsed since Northfield Insurance Company (incorrectly

sued herein as Northland Insurance Company) was served with process. Accordingly, pursuant to 28 U.S.C. § 1446, this notice of removal is timely and proper.

**V.
ATTACHMENTS**

Pursuant to 28 U.S.C. § 1446(a), Local Rule 3, and Local Rule 81, the following exhibits are attached hereto and incorporated herein by reference for all purposes:

- a. Exhibit A: Civil action cover sheet;
- b. Exhibit B: Copies of all executed processes in the case, if any;
- c. Exhibit C: Copies of all pleadings asserting causes of action and all answers to such pleadings;
- d. Exhibit D: Copies of all orders signed by the state court judge, if any;
- e. Exhibit E: A copy of the state court docket sheet;
- f. Exhibit F: An index of matters being filed;
- g. Exhibit G: A list of all counsel of record, including addresses, telephone numbers, and parties represented; and
- h. Exhibit H: Russell Powledge's consent to removal.

**VI.
CONDITIONS PRECEDENT**

Northfield Insurance Company (incorrectly sued herein as Northland Insurance Company) has tendered the filing fee required by the Clerk of the United States District Court for the Southern District of Texas, Houston Division, along with this notice of removal. A copy of this notice of removal is also being filed in the 55th Judicial District Court of Harris County, Texas, and all counsel of record are being provided with complete copies.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Northfield Insurance Company (incorrectly sued herein as Northland Insurance Company) respectfully requests that the above action, styled: Cause No. 2015-67748; Sarm Enterprises, Inc. v. Northland Insurance Company and Russell Powledge, in the 55th Judicial District Court of Harris County, Texas, be removed to this Court.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT,
NORTHFIELD INSURANCE COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of December, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and also forwarded it to the following counsel of record by Certified Mail, Return Receipt Requested:

Mason W. Herring
Herring Law Firm
2727 Allen Parkway, Suite 1150
Houston, Texas 77019

/s/ Greg C. Wilkins